

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

In re:

PAMELA J. STOKES,

Debtor.

CV 21-121-M-DWM

ORDER

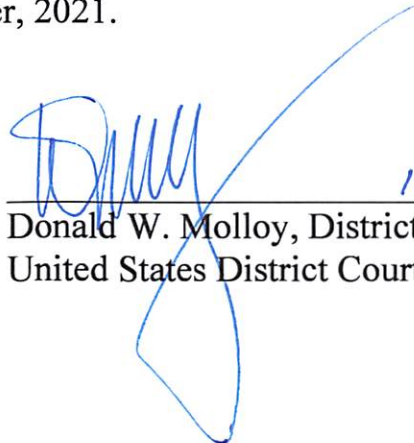
On September 28, 2021, United States Bankruptcy Judge Whitman L. Holt dismissed the debtor's chapter 13 bankruptcy petition and barred her from refileing any further bankruptcy petitions until September 29, 2023. (*See* Bankr. Case No. 9:21-bk-90126-WLH, Doc. 64.) He also denied her request for a stay pending appeal of that decision. (*Id.* at Doc. 69.) The debtor now seeks a stay from this Court. (Doc. 3); *see* Fed. R. Bankr. P. 8007(b). That request is denied.

As explained by Judge Holt, this case arises out of “the debtor’s and her husband’s serial, abusive, and bad-faith filings used as a delay and litigation tactic in a two-party dispute about a parcel of real property already resolved in Montana state-court.” (Bankr. Case No. 9:21-bk-90126-WLH, Doc. 69 at 1.) The Court adopts Judge Holt’s analysis of the four relevant stay factors. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). The only changed circumstance at this point is the debtor’s allegation that an eviction has now been scheduled for October 23, 2021. (*See* Doc. 3 at 2.) The debtor provides no documentation, however, regarding the

pending eviction. And, more importantly, even if she did, a stay pending appeal “is not a matter of right, even if irreparable injury might otherwise result to the appellant.” *Nken*, 556 U.S. at 427. As detailed in numerous court orders, the debtor and her husband have used and abused the bankruptcy system for years to avoid the unfavorable outcome of a state law real property decision. (*See also* Bankr. Case No. 9:21-bk-90013.) A stay is not warranted based on these facts.

Accordingly, IT IS ORDERED that the debtor’s motion for stay (Doc. 3) is DENIED.

DATED this 18th day of October, 2021.


13:25 P.M.
Donald W. Molloy, District Judge
United States District Court